

No. 12715-4Lab-76/412.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s National Steel Corp., Sonapat:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 57 of 1976

*between*

SHRI SHIV KUMAR, WORKMAN AND THE MANAGEMENT OF M/S NATIONAL  
STEEL CORP., SONEPAT

AWARD

By order No. ID/RK/3-A-76/24791, dated 22nd July, 1976, of the Governor of Haryana, the following dispute between the management of M/s National Steel Corp., Sonapat and its workman Shri Shiv Kumar was referred to this court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:

Whether the termination of services of Shri Shiv Kumar was justified and in order? If not, to what relief is he entitled?

The parties did not appear in this Court in response to the usual notices of reference sent to them. The management instead sent a letter through registered post that the demand raised on them by the workman had been mutually settled by way of payment to him Rs 72.25 in full and final satisfaction of his claim. They attached the written document alleged to have been signed by the workman stating that he had received Rs 72.25 in full and final satisfaction of all his claim, with the letter referred to above.

The absence of the workman in this court on the fixed dates of hearing despite service of notices of the reference on him personally, corroborates the case of the management that his demand has been satisfied. I thus hold that the demand of the workman leading to this reference has been satisfied and there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Dated the 6th December, 1976.

No. 2749, dated the 10th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 12714-4Lab-76/414.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Nathu Mal, Pokkar Mal, E-16, Industrial Area, Bahadurgarh:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 84 of 1976

*between*

SHRI RAM PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S NATHU MAL-  
POKKAR MAL, E-16, INDUSTRIAL AREA, BAHADURGARH.

AWARD

By order No. ID/RK/34564, dated 21st September, 1976, of the Governor of Haryana the following dispute between the management of M/s Nathu Mal, Pokkar Mal, E-16, Industrial Area, Bahadurgarh,

and its workman Shri Ram Parshad, was referred to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ram Parshad was justified and in order? If not, to what relief is he entitled?

None of the parties appeared in this Court in response to the usual notices of reference sent to them for their appearance on 6th December, 1976. The workman on the other hand sent a letter duly thumb-marked by him withdrawing the demand raised by him on the management leading to the reference in consideration of a sum of Rs 300 received by him in cash in full and final settlement of all his claim. Shri R. S. Dhaliya his authorised representative has endorsed this letter with the statement that the workman put his thumb mark on it in his presence in token of his finally withdrawing the demand leading to this reference.

I thus relying on this letter, dated 1st October, 1976 exhibited by me as C-1 hold that there is now no dispute between the parties requiring adjudication. I accordingly answer the reference while returning the award in these terms.

Dated, the 6th December, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2748, dated the 10th December, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 12730-4Lab-76/418.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Verma Engineering Works, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK.

Reference No. 96 of 1975

*between*

SHRI CHANDER BHAN WORKMAN AND THE MANAGEMENT OF M/S VERMA  
ENGINEERING WORKS, BAHADURGARH.

#### AWARD

By order No. ID/64343, dated 16th October, 1975 of the Governor of Haryana, the following dispute between the management of M/s Verma Engineering Works, Bahadurgarh and its workman Shri Chander Bhan, was referred to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Chander Bhan was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this court in response to the usual notice of reference served on them and filed their pleadings giving rise to the following issues framed by me,—*vide* my order, dated 18th March, 1976 :—

1. Whether the workman absented himself from duty since 25th April, 1975 without prior permission and intimation to the management and continued to remain absent thereafter?
2. If not, to what relief is the workman entitled?

Whereas the workman specifically alleged,—*vide* notice of demand dated 12th May, 1975 served by him on the management, that on his refusal to comply with an order to clean the Urinal on the ground that he

was liable only to discharge the duties of the job of the helper held by him, his services were terminated by the management with effect from 28th April, 1975, the management pleaded that the workman abandoned his job voluntarily by absenting himself from duty from 25th April, 1975 without their prior permission or any intimation to them. They denied the allegation that he was asked to clean the Urinals and on his refusal to do so they terminated his services.

The management in order to establish their pleas examined Shri Tara Chand their Acctt MW-1 and Shri Kesho Ram one of their partners MW-2. Shri Tara Chand deposed with reference to the register of attendance of the employees of the management brought by him, that the workman joined the services of the management on 20th August, 1974 and absented himself from duty from 25th April, 1975 and his name was not carried over to the month of May, 1975 as a result of his long continued absence. He denied the allegations that the workman was asked to clean the Urinals on 27th April, 1975 a weekly holiday and gave out that he had been marked absent in the register of attendance from 25th April, 1975 to 30th April, 1975. He admitted that no letter was ever sent to the workman informing him about the fact of striking off his name. He however explained that no such letter could be sent as the management did not have in their possession the address of the workman. This explanation is obviously false, made up and unconvincing inasmuch as the management are supposed to take from the workman his complete address at the time of his appointment.

Shri Tara Chand admitted that the register of attendance brought by him was unpagged and it is thus obvious that the possibility of the entries of absence of the workman being manipulated, could not be excluded. Shri Tara Chand did not admittedly bring with him the register of Payment of Wages which could establish as to whether the workman attended his duties on 25th April, 1975 and 26th April, 1975, or not and if he was paid wages for these days withholding of such an important evidence by the management leads to a presumption against them that the plea put forth by them is not correct. The story of the workman having resigned his job on 1st February, 1974, as put forth by the management again remained unsubstantiated, inasmuch as no such resignation was brought on record and Shri Tara Chand admitted that he did not remember if the workman resigned his job in writing or orally.

Shri Kesho Ram MW-2 admitted that on receipt of a report from Shri Tara Chand about the absence of the workman in the month of April, 1974 he asked him (Shri Tara Chand) to mark the workman absent and wait for his presence. It would thus appear that as per statement of Shri Kesho Ram, Shri Tara Chand should not have struck the name of the workman from the rolls of the employees and should have on the other hand waited for his presence or till orders were received by him from a competent authority for striking his name. There was thus no justification for Shri Tara Chand or any other official for striking the name of the workman even if the whole story of the management relating to the absence of the workman were to be accepted as correct, particularly when Certified Standing Orders or Model Standings Orders have not been relied upon by the management for adopting such a course.

Considered from any angle the act of the management in striking the name of the workman from their rolls is unjustified. Even otherwise it is not found establish on facts that the workman remained absent from his duties of his own accord from 25th April, 1975 to 30th April, 1975. The evidence led by the management in this connection is shaky and liable to be ignored and treated as false. I on the other hand fully believe the statement of Shri Chander Bhan that the management refused to assign him duties of a helper the job held by him, with effect from 27th April, 1975 on his refusal to clean the Urinals as nothing could be brought in cross-examination justifying the rejection of his evidence as false.

I, thus decide issue No. 1 against the management and hold that the management unjustifiably terminated the services of the workman and he is entitled to be reinstated with continuity of service and full back wages. I accordingly answer the reference while returning the Award in these terms.

Dated, the 9th December, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2778, dated the 13th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court Haryana,  
Rohtak.